



Sen. Iris Y. Martinez

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09900SB0749sam001

LRB099 06118 AMC 32064 a

1 AMENDMENT TO SENATE BILL 749

2 AMENDMENT NO. _____. Amend Senate Bill 749 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.26 and by adding Section 4.36 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

13 The Barber, Cosmetology, Esthetics, Hair Braiding, and
14 Nail Technology Act of 1985.

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

1 The Illinois Physical Therapy Act.

2 ~~The Professional Geologist Licensing Act.~~

3 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
4 96-1246, eff. 1-1-11.)

5 (5 ILCS 80/4.36 new)

6 Sec. 4.36. Act repealed on January 1, 2026. The following
7 Act is repealed on January 1, 2026:

8 The Professional Geologist Licensing Act.

9 Section 10. The Professional Geologist Licensing Act is
10 amended by changing Sections 15, 25, 30, 35, 50, 60, 65, 75,
11 80, 90, 95, 100, 110, 120, 125, 130, 135, 145, 155, 162, 165,
12 and 170 and by adding Section 180 as follows:

13 (225 ILCS 745/15)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 15. Definitions. In this Act:

16 "Address of record" means the designated address recorded
17 by the Department in the applicant's application file or the
18 licensee's license file, as maintained by the Department's
19 licensure maintenance unit.

20 "Board" means the Board of Licensing for Professional
21 Geologists.

22 "Department" means the Department of Financial and
23 Professional Regulation.

1 "Geologist" means an individual who, by reason of his or
2 her knowledge of geology, mathematics, and the physical and
3 life sciences, acquired by education and practical experience
4 as defined by this Act, is capable of practicing the science of
5 geology.

6 "Geology" means the science that includes the treatment of
7 the earth and its origin and history including, but not limited
8 to, (i) the investigation of the earth's crust and interior and
9 the solids and fluids, including all surface and underground
10 waters, gases, and other materials that compose the earth as
11 they may relate to geologic processes; (ii) the study of the
12 natural agents, forces, and processes that cause changes in the
13 earth; and (iii) the utilization of this knowledge of the earth
14 and its solids, fluids, and gases, and their collective
15 properties and processes, for the benefit of humankind.

16 "Person" or "individual" means a natural person.

17 "Practice of professional geology" means the performance
18 of, or the offer to perform, the services of a geologist,
19 including consultation, investigation, evaluation, planning,
20 mapping, inspection of geologic work, and other services that
21 require extensive knowledge of geologic laws, formulas,
22 principles, practice, and methods of data interpretation.

23 A person shall be construed to practice or offer to
24 practice professional geology, within the meaning and intent of
25 this Act, if that person (i) by verbal claim, sign,
26 advertisement, letterhead, card, or any other means,

1 represents himself or herself to be a Licensed Professional
2 Geologist or through the use of some title implies that he or
3 she is a Licensed Professional Geologist or is licensed under
4 this Act or (ii) holds himself or herself out as able to
5 perform or does perform services or work defined in this Act as
6 the practice of professional geology.

7 Examples of the practice of professional geology include,
8 but are not limited to, the conduct of, or responsible charge
9 for, the following types of activities: (i) mapping, sampling,
10 and analysis of earth materials, interpretation of data, and
11 the preparation of oral or written testimony regarding the
12 probable geological causes of events; (ii) planning, review,
13 and supervision of data gathering activities, interpretation
14 of geological data gathered by direct and indirect means,
15 preparation and interpretation of geological maps,
16 cross-sections, interpretive maps and reports for the purpose
17 of determining regional or site specific geological
18 conditions; (iii) the planning, review, and supervision of data
19 gathering activities and interpretation of data on regional or
20 site specific geological characteristics affecting
21 groundwater; (iv) the interpretation of geological conditions
22 on the surface of the Earth and at depth in the Earth for the
23 purpose of determining whether those conditions correspond to a
24 geologic map of the site or a legally specified geological
25 requirement for the site; and (v) the conducting of
26 environmental property audits.

1 "Licensed Professional Geologist" means an individual who
2 is licensed under this Act to engage in the practice of
3 professional geology in Illinois.

4 "Responsible charge" means the independent control and
5 direction, by use of initiative, skill, and independent
6 judgment, of geological work or the supervision of that work.

7 "Secretary" means the Secretary of Financial and
8 Professional Regulation.

9 (Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

10 (225 ILCS 745/25)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 25. Restrictions and limitations. No person shall,
13 without a valid license issued by the Department (i) in any
14 manner hold himself or herself out to the public as a Licensed
15 Professional Geologist; (ii) attach the title "Licensed
16 Professional Geologist" to his or her name; or (iii) render or
17 offer to render to individuals, corporations, or public
18 agencies services constituting the practice of professional
19 geology.

20 ~~Individuals practicing geology in Illinois as of the~~
21 ~~effective date of this amendatory Act of 1997 may continue to~~
22 ~~practice as provided in this Act until the Department has~~
23 ~~adopted rules implementing this Act. To continue practicing~~
24 ~~geology after the adoption of rules, individuals shall apply~~
25 ~~for licensure within 180 days after the effective date of the~~

1 ~~rules. If an application is received during the 180-day period,~~
2 ~~the individual may continue to practice until the Department~~
3 ~~acts to grant or deny licensure. If an application is not filed~~
4 ~~within the 180-day period, the individual must cease the~~
5 ~~practice of geology at the conclusion of the 180-day period and~~
6 ~~until the Department acts to grant a license to the individual.~~
7 (Source: P.A. 96-1327, eff. 7-27-10.)

8 (225 ILCS 745/30)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 30. Powers and duties of the Department. Subject to
11 the provisions of this Act, the Department may:

12 (a) Authorize examinations to ascertain the qualifications
13 and fitness of applicants for licensing as a Licensed
14 Professional Geologist or as a Licensed Specialty Geologist, as
15 defined by the Board, and pass upon the qualifications of
16 applicants for licensure by endorsement.

17 (b) Conduct hearings on proceedings to refuse to issue or
18 renew licenses or to revoke, ~~licenses or~~ suspend, place on
19 probation, ~~or~~ reprimand, or take any other disciplinary or
20 non-disciplinary action against licenses issued persons
21 ~~licensed under this Act, and to refuse to issue or renew or to~~
22 ~~revoke licenses, or suspend, place on probation, or reprimand~~
23 ~~persons licensed under this Act.~~

24 (c) Formulate rules required for the administration of this
25 Act.

1 (d) Obtain written recommendations from the Board
2 regarding (i) definitions of curriculum content and approval of
3 geological curricula, standards of professional conduct, and
4 formal disciplinary actions and the formulation of rules
5 affecting these matters and (ii) when petitioned by the
6 applicant, opinions regarding the qualifications of applicants
7 for licensing.

8 (e) Maintain rosters of the names and addresses of all
9 licensees, and all persons whose licenses have been suspended,
10 revoked, ~~or~~ denied renewal, or otherwise disciplined ~~for cause~~
11 within the previous calendar year. These rosters shall be
12 available upon written request and payment of the required fee.
13 (Source: P.A. 96-1327, eff. 7-27-10.)

14 (225 ILCS 745/35)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 35. Board of Licensing for Professional Geologists;
17 members; qualifications; duties.

18 (a) The Secretary ~~Director~~ shall appoint a Board of
19 Licensing for Professional Geologists which shall serve in an
20 advisory capacity to the Secretary ~~Director~~. The Board shall be
21 composed of 8 persons, 7 of whom shall be voting members
22 appointed by the Secretary ~~Director~~, who shall give due
23 consideration to recommendations by members of the profession
24 of geology and of geology organizations within the State. In
25 addition, the State Geologist or his or her designated

1 representative, shall be an advisory, non-voting member of the
2 Board.

3 (b) Insofar as possible, the geologists appointed to serve
4 on the Board shall be generally representative of the
5 occupational and geographical distribution of geologists
6 within this State.

7 (c) Of the 7 appointed voting members of the Board, 6 shall
8 be geologists and one shall be a member of the general public
9 with no family or business connection with the practice of
10 geology.

11 (d) Each of the ~~first~~ appointed geologist members of the
12 Board shall ~~have at least 10 years of active geological~~
13 ~~experience and shall possess the education and experience~~
14 ~~required for licensure. Each subsequently appointed geologist~~
15 ~~member of the Board shall~~ be a Licensed Professional Geologist
16 licensed under this Act with at least 10 years of experience.

17 (e) Voting members shall be appointed to 4-year terms.
18 Partial terms of over 2 years in length shall be considered
19 full terms. ~~Of the initial appointments, the Director shall~~
20 ~~appoint 3 voting members for a term of 4 years, 2 voting~~
21 ~~members for a term of 3 years, and 2 voting members for a term~~
22 ~~of 2 years. Thereafter, voting members shall be appointed for~~
23 ~~4-year terms. Terms shall commence on the 3rd Monday in~~
24 ~~January.~~

25 (f) Members shall hold office until the expiration of their
26 terms or until their successors have been appointed and have

1 qualified.

2 (g) No voting member of the Board shall serve more than 2
3 consecutive full terms.

4 (h) Vacancies in the membership of the Board shall be
5 filled by appointment for the remainder of the unexpired term.

6 (i) The Secretary ~~Director~~ may remove or suspend any
7 appointed member of the Board for cause at any time before the
8 expiration of his or her term. The Secretary shall be the sole
9 arbiter of cause.

10 (j) The Board shall annually elect one of its members as
11 chairperson and one of its members as vice-chair.

12 (k) The members of the Board shall be reimbursed for all
13 legitimate and necessary expenses authorized by the Department
14 incurred in attending the meetings of the Board.

15 (l) The Board may make recommendations to the Secretary
16 ~~Director~~ to establish the examinations and their method of
17 grading.

18 (m) The Board may submit written recommendations to the
19 Secretary ~~Director~~ concerning formulation of rules and a Code
20 of Professional Conduct and Ethics. The Board may recommend or
21 endorse revisions and amendments to the Code and to the rules
22 from time to time.

23 (n) The Board may make recommendations on matters relating
24 to continuing education of Licensed Professional Geologists,
25 including the number of hours necessary for license renewal,
26 waivers for those unable to meet that requirement, and

1 acceptable course content. These recommendations shall not
2 impose an undue burden on the Department or an unreasonable
3 restriction on those seeking a license renewal.

4 (o) Four voting Board members constitutes a quorum. A
5 quorum is required for all Board decisions.

6 (Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

7 (225 ILCS 745/50)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 50. Qualifications for licensure.

10 (a) The Department may issue a license to practice as a
11 Licensed Professional Geologist to any applicant who meets the
12 following qualifications:

13 (1) The applicant has completed an application form and
14 paid the required fees.

15 (2) The applicant is of good ethical character,
16 including compliance with the Code of Professional Conduct
17 and Ethics under this Act, and has not committed any act or
18 offense in any jurisdiction that would constitute the basis
19 for disciplining a Licensed Professional Geologist under
20 this Act.

21 (3) The applicant has earned a degree in geology from
22 an accredited college or university, as established by
23 rule, with a minimum of 30 semester or 45 quarter hours of
24 course credits in geology, of which 24 semester or 36
25 quarter hours are in upper level courses. The Department

1 may, upon the recommendation of the Board, allow the
2 substitution of appropriate experience as a geologist for
3 prescribed educational requirements as established by
4 rule.

5 (4) The applicant has a documented record of a minimum
6 of 4 years of professional experience, obtained after
7 completion of the education requirements specified in this
8 Section, in geologic or directly related work,
9 demonstrating that the applicant is qualified to assume
10 responsible charge of such work upon licensure as a
11 Licensed Professional Geologist or such specialty of
12 professional geology that the Board may recommend and the
13 Department may recognize. The Department may require
14 evidence acceptable to it that up to 2 years of
15 professional experience have been gained under the
16 supervision of a person licensed under this Act or similar
17 Acts in any other state, or under the supervision of others
18 who, in the opinion of the Department, are qualified to
19 have responsible charge of geological work under this Act.

20 (5) The applicant has passed an examination authorized
21 by the Department for practice as a Licensed Professional
22 Geologist.

23 (6) The applicant has complied with all other
24 requirements of this Act and rules established for the
25 implementation of this Act.

26 (b) A license to practice as a Licensed Professional

1 Geologist shall not be denied any applicant because of the
2 applicant's race, religion, creed, national origin, political
3 beliefs or activities, age, sex, sexual orientation, or
4 physical impairment.

5 (c) The Department may establish by rule an intern process
6 to, in part, allow (1) a graduate who has earned a degree in
7 geology from an accredited college or university in accordance
8 with this Act or (2) a student in a degree program at an
9 accredited college or university who has completed the
10 necessary course requirements established in this Section to
11 request to take one or both parts of the examination required
12 by the Department without first submitting a formal application
13 to the Department for licensure as a Licensed Professional
14 Geologist. The Department may set by rule the criteria for the
15 intern process, including, but not limited to, the educational
16 requirements, exam requirements, experience requirements,
17 remediation requirements, and any fees or applications
18 required for the process. The Department may also set by rule
19 provisions concerning disciplinary guidelines and the use of
20 the title "intern" or "trainee" by a graduate or student who
21 has passed the required examination.

22 (Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

23 (225 ILCS 745/60)

24 (Section scheduled to be repealed on January 1, 2016)

25 Sec. 60. Seals.

1 (a) Upon licensure, each licensee shall obtain a seal of a
2 design as required by rule bearing the licensee's name, license
3 number, and the legend "Licensed Professional Geologist".

4 (b) All preliminary, draft, and final geologic reports,
5 documents, permits, affidavits, maps, boring logs, cross
6 sections, or other records offered to the public and prepared
7 or issued by or under the supervision of a Licensed
8 Professional Geologist shall include the full name, signature,
9 and license number of the licensee, and the date of license
10 expiration of the person who prepared the document or under
11 whose supervision it was prepared, and an impression of the
12 licensee's seal, in accordance with rules issued by the
13 Department.

14 (c) The Licensed Professional Geologist who has contract
15 responsibility shall seal a cover sheet of the professional
16 work products and those individual portions of the professional
17 work products for which the Licensed Professional Geologist is
18 legally and professionally responsible. A Licensed
19 Professional Geologist practicing as the support professional
20 shall seal those individual portions of professional work
21 products for which that Licensed Professional Geologist is
22 legally and professionally responsible.

23 (d) The use of a Licensed Professional Geologist's ~~licensed~~
24 ~~professional geologist's~~ seal on professional work products
25 constitutes a representation that the work prepared by or under
26 the personal supervision of that Licensed Professional

1 Geologist has been prepared and administered in accordance with
2 the standards of reasonable professional skill and diligence.

3 (e) It is unlawful to affix one's seal to professional work
4 products if doing so ~~it~~ masks the true identity of the person
5 who actually exercised direction, supervision, and responsible
6 charge of the preparation of that work. A Licensed Professional
7 Geologist who signs and seals professional work products is not
8 responsible for damage caused by subsequent changes to or uses
9 of those professional work products, if the subsequent changes
10 or uses, including changes or uses made by State or local
11 government agencies, are not authorized or approved by the
12 Licensed Professional Geologist who originally signed and
13 sealed the professional work products.

14 (Source: P.A. 96-1327, eff. 7-27-10.)

15 (225 ILCS 745/65)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 65. Expiration and renewal of license. The expiration
18 date and renewal period for each license shall be set by rule.
19 A Licensed Professional Geologist whose license has expired may
20 reinstate his or her license or enrollment at any time within 5
21 years after the expiration thereof, by making a renewal
22 application and by paying the required fee. However, any
23 Licensed Professional Geologist whose license expired while he
24 or she was (i) on active duty with the Armed Forces of the
25 United States or called into service or training by the State

1 militia or (ii) in training or education under the supervision
2 of the United States preliminary to induction into the military
3 service, may have his or her Licensed Professional Geologist
4 license renewed, reinstated, or restored without paying any
5 lapsed renewal fees if within 2 years after termination of the
6 service, training, or education the Licensed Professional
7 Geologist furnishes to the Department ~~with~~ satisfactory
8 evidence of the service, training, or education and that it has
9 been terminated under honorable conditions.

10 Any ~~professional geologist whose~~ Licensed Professional
11 Geologist whose license has expired for more than 5 years may
12 have it restored by making application to the Department,
13 paying the required fee, and filing acceptable proof of fitness
14 to have the license restored. The proof may include sworn
15 evidence certifying active practice in another jurisdiction.
16 If the geologist has not practiced for 5 years or more, the
17 Board shall determine by an evaluation program established by
18 rule, whether that individual is fit to resume active status as
19 a Licensed Professional Geologist. The Board may require the
20 geologist to complete a period of evaluated professional
21 experience and may require successful completion of an
22 examination.

23 The Department may refuse to issue or may suspend the
24 license of any person who fails to file a tax return, or to pay
25 the tax, penalty, or interest shown in a filed return, or to
26 pay any final assessment of tax, penalty, or interest, as

1 required by any tax Act administered by the Illinois Department
2 of Revenue, until such time as the requirements of any such tax
3 Act are satisfied.

4 (Source: P.A. 96-1327, eff. 7-27-10.)

5 (225 ILCS 745/75)

6 (Section scheduled to be repealed on January 1, 2016)

7 Sec. 75. Returned checks; fines. Any person who delivers a
8 check or other payment to the Department that is returned to
9 the Department unpaid by the financial institution upon which
10 it is drawn shall pay to the Department, in addition to the
11 amount already owed to the Department, a fine of \$50. The fines
12 imposed by this Section are in addition to any other discipline
13 provided under this Act for unlicensed practice or practice on
14 a nonrenewed license. The Department shall notify the person
15 that payment of fees and fines shall be paid to the Department
16 by certified check or money order within 30 calendar days of
17 the notification. If, after the expiration of 30 calendar days
18 from the date of the notification, the person has failed to
19 submit the necessary remittance, the Department shall
20 automatically terminate the license or deny the application,
21 without a hearing. If, after termination or denial, the person
22 seeks a license to practice as a Licensed Professional
23 Geologist, he or she shall apply to the Department for
24 restoration or issuance of the license and pay all fees and
25 fines due to the Department. The Department may establish a fee

1 for the processing of an application for restoration of a
2 license to pay all expenses of processing this application. The
3 Secretary ~~Director~~ may waive the fines due under this Section
4 in individual cases where the Secretary ~~Director~~ finds that the
5 fines would be unreasonable or unnecessarily burdensome.

6 (Source: P.A. 96-1327, eff. 7-27-10.)

7 (225 ILCS 745/80)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 80. Disciplinary actions.

10 (a) The Department may refuse to issue or renew, or may
11 revoke, suspend, place on probation, reprimand, or take other
12 disciplinary or non-disciplinary action as the Department may
13 deem appropriate, including fines not to exceed \$10,000 ~~\$5,000~~
14 for each violation, with regard to any license for any one or
15 combination of the following:

16 (1) Material misstatement in furnishing information to
17 the Department.

18 (2) Violations of this Act, or of the rules promulgated
19 under this Act.

20 (3) Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or by
22 sentencing of any crime, including, but not limited to,
23 convictions, preceding sentences of supervision,
24 conditional discharge, or first offender probation, under
25 the laws of any jurisdiction of the United States: (i) that

1 is a felony or (ii) that is a misdemeanor, an essential
2 element of which is dishonesty, or that is directly related
3 to the practice of the profession. ~~Conviction of any crime~~
4 ~~under the laws of the United States or any state or~~
5 ~~territory of the United States that is a felony or that is~~
6 ~~a misdemeanor, an essential element of which is dishonesty,~~
7 ~~or of any crime that is directly related to the practice of~~
8 ~~the profession.~~

9 (4) Making any misrepresentation for the purpose of
10 obtaining licensure or violating any provision of this Act
11 or the rules promulgated under this Act pertaining to
12 advertising.

13 (5) Professional incompetence.

14 (6) Malpractice. ~~Gross malpractice.~~

15 (7) Aiding or assisting another person in violating any
16 provision of this Act or rules promulgated under this Act.

17 (8) Failing, within 60 days, to provide information in
18 response to a written request made by the Department.

19 (9) Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public.

22 (10) Habitual or excessive use or addiction to alcohol,
23 narcotics, stimulants, or any other chemical agent or drug
24 that results in the inability to practice with reasonable
25 judgment, skill, or safety.

26 (11) Discipline by another state, the District of

1 Columbia, a territory of the United States, or a foreign
2 nation, if at least one of the grounds for the discipline
3 is the same or substantially equivalent to those set forth
4 in this Section.

5 (12) Directly or indirectly giving to or receiving from
6 any person, firm, corporation, partnership, or association
7 any fee, commission, rebate or other form of compensation
8 for professional services not actually or personally
9 rendered.

10 (13) A finding by the Department that the licensee,
11 after having his or her license placed on probationary
12 status, has violated the terms of probation.

13 (14) Willfully making or filing false records or
14 reports in his or her practice, including but not limited
15 to, false records filed with State agencies or departments.

16 (15) Physical illness, including but not limited to,
17 deterioration through the aging process, or loss of motor
18 skill that results in the inability to practice the
19 profession with reasonable judgment, skill, or safety.

20 (16) Solicitation of professional services other than
21 permitted advertising.

22 (17) Conviction of or cash compromise of a charge or
23 violation of the Illinois Controlled Substances Act
24 regulating narcotics.

25 (18) Failure to (i) file a tax return, (ii) pay the
26 tax, penalty, or interest shown in a filed return, or (iii)

1 pay any final assessment of tax, penalty, or interest, as
2 required by any tax Act administered by the Illinois
3 Department of Revenue, until the requirements of that tax
4 Act are satisfied.

5 (19) Conviction by any court of competent
6 jurisdiction, either within or outside this State, of any
7 violation of any law governing the practice of professional
8 geology, if the Department determines, after
9 investigation, that the person has not been sufficiently
10 rehabilitated to warrant the public trust.

11 (20) Gross, willful, or continued overcharging for
12 professional services, including filing false statements
13 for collection of fees for which services are not rendered.

14 (21) Practicing under a false or, except as provided by
15 law, an assumed name.

16 (22) Fraud or misrepresentation in applying for, or
17 procuring, a license to practice as a Licensed Professional
18 Geologist under this Act or in connection with applying for
19 renewal of a license under this Act.

20 (23) Cheating on or attempting to subvert the licensing
21 examination administered under this Act.

22 (b) The determination by a circuit court that a licensee is
23 subject to involuntary admission or judicial admission as
24 provided in the Mental Health and Developmental Disabilities
25 Code operates as an automatic suspension. The suspension will
26 end only upon a finding by a court that the licensee is no

1 longer subject to the involuntary admission or judicial
2 admission and issues an order so finding and discharging the
3 licensee; and upon the recommendation of the Board to the
4 Secretary ~~Director~~ that the licensee be allowed to resume his
5 or her practice.

6 All fines imposed under this Section shall be paid within
7 60 days after the effective date of the order imposing the fine
8 or in accordance with the terms set forth in the order imposing
9 the fine.

10 (Source: P.A. 96-1327, eff. 7-27-10.)

11 (225 ILCS 745/90)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 90. Investigations; notice and hearing. The
14 Department may investigate the actions of any applicant or of
15 any person or persons rendering or offering to render
16 geological services or any person holding or claiming to hold a
17 license as a Licensed Professional Geologist. The Department
18 shall, before revoking, suspending, placing on probation,
19 reprimanding, or taking any other disciplinary action under
20 Section 80 of this Act, at least 30 days before the date set
21 for the hearing, (i) notify the accused in writing of the
22 charges made and the time and place for the hearing on the
23 charges, (ii) direct him or her to file a written answer to the
24 charges with the Board under oath within 20 days after the
25 service on him or her of the notice, and (iii) notify ~~inform~~

1 the accused that, if he or she fails to answer, default will be
2 taken against him or her, and ~~or~~ that his or her license may be
3 suspended, revoked, placed on probationary status, or other
4 disciplinary action taken with regard to the license, including
5 limiting the scope, nature, or extent of his or her practice,
6 as the Department may consider proper. At the time and place
7 fixed in the notice, the Board shall proceed to hear the
8 charges and the parties or their counsel shall be accorded
9 ample opportunity to present any pertinent statements,
10 testimony, evidence, and arguments. The Board may continue the
11 hearing from time to time. In case the person, after receiving
12 the notice, fails to file an answer, his or her license may, in
13 the discretion of the Department, be suspended, revoked, placed
14 on probationary status, or subject to any other disciplinary
15 action the Department considers proper ~~may take whatever~~
16 ~~disciplinary action considered proper~~, including limiting the
17 scope, nature, or extent of the person's practice or the
18 imposition of a fine, without a hearing, if the act or acts
19 charged constitute sufficient grounds for that action under
20 this Act. The written notice may be served by personal delivery
21 or by certified mail to the licensee's address of record.
22 ~~specified by the accused in his or her last notification with~~
23 ~~the Department.~~

24 (Source: P.A. 96-1327, eff. 7-27-10.)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 95. Record of proceedings; transcript. The
3 Department, at its expense, shall preserve a record of all
4 proceedings at the formal hearing of any case. The notice of
5 hearing, complaint, all other documents in the nature of
6 pleadings, written motions filed in the proceedings, the
7 transcripts of testimony, the report of the hearing officer and
8 the Board, and orders of the Department shall be in the record
9 of the proceeding. ~~The Department shall furnish a transcript of~~
10 ~~such record to any person interested in such hearing upon~~
11 ~~payment of the fee required under Section 2105-115 of the~~
12 ~~Department of Professional Regulation Law (20 ILCS~~
13 ~~2105/2105-115).~~

14 (Source: P.A. 91-239, eff. 1-1-00.)

15 (225 ILCS 745/100)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 100. Subpoenas; depositions; oaths. The Department
18 has the power to subpoena and to bring before it any person and
19 to take testimony either orally or by deposition, or both, with
20 the same fees and mileage and in the same manner as prescribed
21 in civil cases in the courts of this State.

22 The Secretary ~~Director~~, the designated hearing officer,
23 and every member of the Board has the power to administer oaths
24 to witnesses at any hearing that the Department is authorized
25 to conduct, and any other oaths authorized in any Act

1 administered by the Department.

2 (Source: P.A. 89-366, eff. 7-1-96.)

3 (225 ILCS 745/110)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 110. Findings and recommendations. At the conclusion
6 of the hearing, the Board shall present to the Secretary
7 ~~Director~~ a written report of its findings of fact, conclusions
8 of law, and recommendations. The report shall contain a finding
9 whether or not the accused person violated this Act or its
10 rules or failed to comply with the conditions required in this
11 Act or its rules. The Board shall specify the nature of any
12 violations or failure to comply and shall make its
13 recommendations to the Secretary ~~Director~~. In making
14 recommendations for any disciplinary actions, the Board may
15 take into consideration all facts and circumstances bearing
16 upon the reasonableness of the conduct of the accused and the
17 potential for future harm to the public, including but not
18 limited to previous discipline of the accused by the
19 Department, intent, degree of harm to the public and likelihood
20 of harm in the future, any restitution made by the accused, and
21 whether the incident or incidents contained in the complaint
22 appear to be isolated or represent a continuing pattern of
23 conduct. In making its recommendations for discipline, the
24 Board shall endeavor to ensure that the severity of the
25 discipline recommended is reasonably related to the severity of

1 the violation.

2 The report of findings of fact, conclusions of law, and
3 recommendation of the Board shall be the basis for the
4 Department's order refusing to issue, restore, or renew a
5 person's license to practice as a Licensed Professional
6 Geologist, or otherwise disciplining a licensee. If the
7 Secretary ~~Director~~ disagrees with the recommendations of the
8 Board, the Secretary ~~Director~~ may issue an order in
9 contravention of the Board recommendations. The Secretary
10 ~~Director~~ shall provide a written report to the Board on any
11 disagreement and shall specify the reasons for the action in
12 the final order. The finding is not admissible in evidence
13 against the person in a criminal prosecution brought for a
14 violation of this Act, but the hearing and finding are not a
15 bar to a criminal prosecution brought for a violation of this
16 Act.

17 (Source: P.A. 96-1327, eff. 7-27-10.)

18 (225 ILCS 745/120)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 120. Secretary ~~Director~~; rehearing. Whenever the
21 Secretary ~~Director~~ believes that justice has not been done in
22 the revocation, suspension, or refusal to issue, restore, or
23 renew a person's license to practice as a Licensed Professional
24 Geologist, or other discipline of an applicant or licensee, he
25 or she may order a rehearing by the same or other examiners.

1 (Source: P.A. 96-1327, eff. 7-27-10.)

2 (225 ILCS 745/125)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 125. Appointment of a hearing officer. The Secretary
5 ~~Director~~ has the authority to appoint any attorney licensed to
6 practice law in the State of Illinois to serve as the hearing
7 officer in any action for refusal to issue, restore, or renew a
8 person's license to practice as a Licensed Professional
9 Geologist or to discipline a licensee. The hearing officer has
10 full authority to conduct the hearing. Members ~~At least one~~
11 ~~member~~ of the Board may ~~shall~~ attend each hearing. The hearing
12 officer shall report his or her findings of fact, conclusions
13 of law, and recommendations to the Board and the Secretary
14 ~~Director~~. The Board shall have 60 calendar days from receipt of
15 the report to review the report of the hearing officer and
16 present its findings of fact, conclusions of law, and
17 recommendations to the Secretary ~~Director~~. If the Board does
18 not present its report within the 60-day period, the Secretary
19 ~~Director~~ may issue an order based on the report of the hearing
20 officer. If the Secretary ~~Director~~ disagrees with the
21 recommendation of the Board or of the hearing officer, the
22 Secretary ~~Director~~ may issue an order in contravention of the
23 recommendation. The Secretary ~~Director~~ shall promptly provide
24 a written report to the Board on any deviation, and shall
25 specify the reasons for the action in the final order.

1 (Source: P.A. 96-1327, eff. 7-27-10.)

2 (225 ILCS 745/130)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 130. Order or certified copy; prima facie proof. An
5 order or certified copy thereof, over the seal of the
6 Department and purporting to be signed by the Secretary
7 ~~Director~~, is prima facie proof that:

8 (a) the signature is the genuine signature of the
9 Secretary ~~Director~~;

10 (b) the Secretary ~~Director~~ is duly appointed and
11 qualified; and

12 (c) the Board and its members are qualified to act.

13 (Source: P.A. 89-366, eff. 7-1-96.)

14 (225 ILCS 745/135)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 135. Restoration of suspended or revoked license. At
17 any time after the successful completion of a term of
18 indefinite probation, suspension, or revocation of a
19 ~~suspension or revocation of a person's~~ license to practice as a
20 Licensed Professional Geologist, the Department may restore it
21 to the licensee, upon the written recommendation of the Board,
22 unless after an investigation and a hearing the Board
23 determines that restoration is not in the public interest.

24 (Source: P.A. 96-1327, eff. 7-27-10.)

1 (225 ILCS 745/145)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 145. Summary suspension of a license. The Secretary
4 ~~Director~~ may summarily suspend the license of a Licensed
5 Professional Geologist without a hearing, simultaneously with
6 the institution of proceedings for a hearing provided for in
7 Section 90 of this Act, if the Secretary ~~Director~~ finds that
8 evidence in the Secretary's ~~Director's~~ possession indicates
9 that the continuation of practice by a Licensed Professional
10 Geologist would constitute an imminent danger to the public. In
11 the event that the Secretary ~~Director~~ summarily suspends the
12 license of a Licensed Professional Geologist without a hearing,
13 a hearing must be commenced within 30 days after the suspension
14 has occurred and concluded as expeditiously as practical.

15 (Source: P.A. 96-1327, eff. 7-27-10.)

16 (225 ILCS 745/155)

17 (Section scheduled to be repealed on January 1, 2016)

18 Sec. 155. Administrative review; certifications
19 ~~Certifications~~ of record; costs. All final administrative
20 decisions of the Department are subject to judicial review
21 pursuant to the Administrative Review Law and its rules. The
22 term "administrative decision" is defined as in Section 3-101
23 of the Code of Civil Procedure.

24 Proceedings for judicial review shall be commenced in the

1 circuit court of the county in which the party applying for
2 review resides, but, if the party is not a resident of this
3 State, the venue shall be in Sangamon County.

4 The Department shall not be required to certify any record
5 to the court, to file an answer in court, or to otherwise
6 appear in any court in a judicial review proceeding unless and
7 until the Department has received from the plaintiff payment of
8 the costs of furnishing and certifying the record, there is
9 filed in the court, with the complaint, a receipt from the
10 Department acknowledging payment of the costs of furnishing and
11 certifying the record, which costs shall be determined by the
12 Department. Failure on the part of the plaintiff to file the
13 receipt in court is grounds for dismissal of the action.

14 During the pendency and hearing of any and all judicial
15 proceedings incident to the disciplinary action, the sanctions
16 imposed upon the accused by the Department specified in the
17 Department's final administrative decision shall, as a matter
18 of public policy, remain in full force and effect in order to
19 protect the public pending final resolution of any of the
20 proceedings.

21 (Source: P.A. 89-366, eff. 7-1-96.)

22 (225 ILCS 745/162)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 162. Civil penalties.

25 (a) In addition to any other penalty provided by law, any

1 person who violates this Act shall forfeit and pay a civil
2 penalty to the Department in an amount not to exceed \$10,000
3 ~~\$5,000~~ for each offense as determined by the Department. The
4 civil penalty shall be assessed by the Department after a
5 hearing is held in accordance with the provisions of this Act
6 regarding the provision of a hearing for the discipline of a
7 licensee.

8 (b) The Department has the authority and power to
9 investigate any and all unlicensed activity.

10 (c) The civil penalty shall be paid within 60 days after
11 the effective date of the order imposing the civil penalty. The
12 order shall constitute a judgment and may be filed and
13 execution had thereon in the same manner as any judgment from
14 any court of record.

15 (d) All moneys collected under this Section shall be
16 deposited into the General Professions Dedicated Fund.

17 (Source: P.A. 89-366, eff. 7-1-96.)

18 (225 ILCS 745/165)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 165. Consent order. At any point in the proceedings as
21 provided in Sections 85 through 130 and Section 150, both
22 parties may agree to a negotiated consent order. The consent
23 order shall be final upon signature of the Secretary ~~Director~~.

24 (Source: P.A. 89-366, eff. 7-1-96.)

1 (225 ILCS 745/170)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 170. Illinois Administrative Procedure Act;
4 application. The Illinois Administrative Procedure Act is
5 expressly adopted and incorporated in this Act as if all of the
6 provisions of that Act were included in this Act, except that
7 the provision of paragraph (d) of Section 10-65 of the Illinois
8 Administrative Procedure Act, which provides that at hearings
9 the registrant or licensee has the right to show compliance
10 with all lawful requirements for retention or continuation or
11 renewal of the license, is specifically excluded. For the
12 purpose of this Act, the notice required under Section 10-25 of
13 the Illinois Administrative Procedure Act is considered
14 sufficient when mailed to the ~~last known~~ address of record a
15 party.

16 (Source: P.A. 89-366, eff. 7-1-96; 90-655, eff. 7-30-98.)

17 (225 ILCS 745/180 new)

18 Sec. 180. Confidentiality. All information collected by
19 the Department in the course of an examination or investigation
20 of a licensee or applicant, including, but not limited to, any
21 complaint against a licensee filed with the Department and
22 information collected to investigate any such complaint, shall
23 be maintained for the confidential use of the Department and
24 shall not be disclosed. The Department shall not disclose the
25 information to anyone other than law enforcement officials,

1 regulatory agencies that have an appropriate regulatory
2 interest as determined by the Secretary, or a party presenting
3 a lawful subpoena to the Department. Information and documents
4 disclosed to a federal, State, county, or local law enforcement
5 agency shall not be disclosed by the agency for any purpose to
6 any other agency or person. A formal complaint filed against a
7 licensee by the Department or any order issued by the
8 Department against a licensee or applicant shall be a public
9 record, except as otherwise prohibited by law.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.".